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AUG 04 2006

OFFICE OF PETITIONS

In re Application of :
Helmut BUERKLIN, et al. :
Application No. 09/856,063 :
Filed 12 July 2001 :
Attorney Docket No.: PF 980079 :

**DECISION ON
RENEWED PETITION
UNDER 37 CFR 1.137(b)**

This is a decision on the Renewed Petition Under 37 CFR 1.137(b), filed 16 December 2005, to revive the above-identified application. The Renewed Petition is **GRANTED**, as follows:

A previous Office decision of 21 November 2005 dismissed applicant's Petition for Revival under 37 CFR 1.137(b) filed 05 July 2005 for failure to submit a Request for Continued Examination along with an amendment that will *prima facie* place the application in condition for allowance.

The present renewed petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that a Request for Continued Examination and the requisite fee have been submitted. Since applicant did not file a new submission, the Response under 37 CFR 1.111 filed previously on 05 July 2005, which includes the amendments to the claims and remarks has been construed as the requisite submission under 37 CFR 1.114. See MPEP 706.07(h). If this is an incorrect interpretation in view of the rules, petitioner is required to provide a statement to that effect.

Telephone inquiries concerning this decision should be directed to Nguyen Ngoc-Ho at (571) 272-3290.

Frances Hicks
Petitions Examiner
Office of Petitions
NNH/WL:hn